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November 19, 2008

BY HAND

Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination & Legal Administration  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 6079  
Rep. Debbie Wasserman Schultz, Democrats Win Seats Political Action Committee,  
and Lawrence Wasserman, as treasurer

Dear Mr. Jordan:

We write on behalf of Representative Debbie Wasserman Schultz, Democrats Win Seats Political Action Committee ("DWS PAC") and Lawrence Wasserman, as treasurer (collectively referred to as the "DWS PAC Respondents") in response to the Complaint filed in the above-referenced matter. We respectfully submit that the Complaint should be dismissed.

DWS PAC is a "leadership PAC" associated with Rep. Wasserman Schultz. It registered with the Commission on June 13, 2006 and has no affiliated committees. Later, in 2007, Rep. Wasserman Schultz agreed to serve as an honorary co-chair of the Democratic Freshmen PAC, a committee formed by others to make contributions principally to first-term Members of the House Democratic Caucus. Rep. Wasserman Schultz understood that her name was to be used for promotional purposes only. She has neither established, financed, maintained, nor controlled the Freshmen PAC. She was uninvolved in its formation. She has not raised funds for it, except to lend her name to its fundraising invitations along with others. She is not involved in decision-making about the PAC's operations.

The Commission may find "reason to believe" only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the Act. See 11 C.F.R. § 111.4(a), (d).

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Here, Complainant claims that, because Rep. Wasserman Schultz is associated with DWS PAC, and because she and Representative Mike Thompson have served as honorary co-chairs of the Freshmen PAC, DWS PAC is affiliated not only with the Freshmen PAC, but with Rep. Thompson's leadership PAC, Victory in November Election PAC ("VINE PAC"), as well.

But none of the factors set forth in Commission regulations as indicia of affiliation applies here. The Complaint itself makes no allegation that the committees have common or overlapping officers or employees, or that any of the committees provided funds, goods or services to each other. See 11 C.F.R. § 100.5(g)(4)(ii)(E), (H). None of the DWS PAC Respondents participates in the governance of the Freshmen PAC or VINE PAC; neither the Freshmen PAC nor VINE PAC participates in the governance of DWS PAC. See *id.* § 100.5(g)(4)(ii)(B), (C). There is no allegation that any committee or Member of Congress other than Rep. Wasserman Schultz played an active or significant role in the formation of DWS PAC. See *id.* § 100.5(g)(4)(ii)(I). To the extent that DWS PAC has some overlapping donors or supported candidates with the other committees, it is a result of the Democratic leanings of all three organizations, and not through any ongoing relationship. See *id.* § 100.5(g)(4)(ii)(J); see also Explanation and Justification, Affiliated Committees, Transfers, Prohibited Contributions, Annual Contribution Limitations and Earmarked Contributions, 54 Fed. Reg. 34,098, 34,100 (Aug. 17, 1989) ("[S]imilar patterns of contributions and contributors are evidence of affiliation only when they indicate a formal or ongoing relationship between the sponsoring organizations or committees.").

Finally, in other matters, the Commission has found that an honorary chairmanship, standing alone, does not signify affiliation among all the committees in which a Member may be involved. See MUR 5355, First General Counsel's Report at 9 (finding no reason to believe that Representative Deborah Pryce's leadership PAC was affiliated with another committee simply because Rep. Pryce served as honorary chair of the second committee). In MUR 5355, the Commission declined to find affiliation even when the committees also shared treasurers, and even when there was evidence that the Member had been involved in the formation of both committees.

Because the Complaint presents no evidence that Respondents have violated a statute or regulation over which the Commission has jurisdiction, the Complaint lacks legal merit. For the foregoing reasons, Respondents respectfully request that the Commission dismiss the Complaint and take no further action.

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Very truly yours,

A handwritten signature in black ink, appearing to read "B. Svoboda", followed by a long horizontal flourish.

Brian G. Svoboda  
Kate Sawyer Keane  
Counsel to Respondents